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QUINE Intellectual Property Law Group, P.C.

By: 

Chianti Applin

Atty Docket No: 407T-103300US

Client Ref: UC 2000-217-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**WERNER G. KUHR, DAVID F. BOCIAN,
ZHIMING LIU, and AMIR YASSERI**

Application No.: **10/046,499**

Filed: **10/26/01**

For: **MOLEHOLE EMBEDDED 3-D
CROSSBAR ARCHITECTURE USED IN
ELECTROCHEMICAL MOLECULAR
MEMORY DEVICE**

Examiner: Gregg Cantelmo

Art Unit: 1745

**RESPONSE TO RESTRICTION
REQUIREMENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is filed in response to the Office Action dated March 20, 2003 containing a Restriction Requirement.

REMARKS

In the March 20, 2003 Office Action the Examiner required restriction to one of the following groups under 35 U.S.C. §121:

Group I: Claims 1-70, drawn to nanoscale electrochemical cells; and

Group II: Claims 71-96, drawn to a method of making an electrochemical cell.

In response to this restriction requirement, Applicants provisionally elect Group I, claims 1-70, with traverse.

Applicants submit that restriction between Groups I and II is unnecessary. According to MPEP §803, the Examiner should examine all claims in an application, even though they are directed to distinct inventions, unless to do so would create a serious burden. In the instant case, the claims of Group I are directed to nanoscale electrochemical cells, while the claims of Group II are drawn to methods of making nanoscale electrochemical cells. A search for methods of making the

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